

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
Government,	:	07 CR. 402 (RMB)
	:	
- against -	:	<b><u>DECISION &amp; ORDER</u></b>
	:	
JEFFREY MUSUMECI,	:	
	:	
Defendant.	:	
-----X	:	

Having reviewed the record in this case, including discussions of early termination at supervised release hearings held on August 17, 2023 and September 21, 2023, the Court determines that Jeffrey Musumeci should be granted early termination of supervision. (*See also* Transcripts of Proceedings held on June 3, 2020; Sept. 2, 2020; Jan. 19, 2021; May 6, 2021; Oct. 12, 2021; Feb. 14, 2022; June 28, 2022; Oct. 6, 2022; Feb. 13, 2023; and Apr. 10, 2023; 18 U.S.C. § 3583(e)(1) (“The court may . . . terminate a term of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.”).)

Mr. Musumeci’s conduct during supervision has included successful reentry into the community; strengthened family and community ties; stable employment; obtaining a Certificate of Relief from Disabilities; and actively participating in supervision services, particularly counseling. *See, e.g.*, 18 U.S.C. § 3553(a); 18 U.S.C. § 3583(e)(1).

Mr. Musumeci’s therapist, Ms. Valerie Gelo of First Light Psychological Services in Farmingdale, New York, has provided positive reports about Mr. Musumeci’s progress during his term of supervision. On February 13, 2023, Ms. Gelo reported to the Court that, while on supervised release, Mr. Musumeci “has continued pursuing his career goals.” (Hr’g Tr. dated

Feb. 13, 2023, at 4:17–18.) “He has taken the insurance broker course that we had all discussed, and he informed me that he just recently pass[ed] the licensure exam . . . . (*Id.* at 4:17–5:4.) Mr. Musumeci has communicated well with his therapist and has been “very clear with his expectations, his goals, his desires.” (Hr’g Tr. dated Apr. 10, 2023 at 11:16–20.) On August 17, 2023, Ms. Gelo reported that Mr. Musumeci “was receptive to . . . observation and feedback” in his therapy sessions. (Hr’g Tr., dated Aug. 17, 2023, at 8:11–12.) “[T]here has been an increase to the overall psychological flexibility to problem solve and address conflicts and barriers to life goals.” (*Id.* at 8:16–18.) On September 21, 2023, Ms. Gelo stated that “[a]t this time, [Mr. Musumeci] does present . . . a low risk of recidivism.” (Hr’g Tr. dated Sept. 21, 2023, at 3:11–12.) He “has met his treatment goals” and “has continued to demonstrate awareness, understanding and appropriate responses . . . .” (*Id.*) “[T]here have not been any other significant issues or updates really over the last six months,” and “given [Mr. Musumeci’s] ongoing stability, if [the Court] feel[s] as though he’s suitable for the early termination based on the clinical updates, [Ms. Gelo] still ha[s] no objection.” (*Id.* at 3:18–4:1.)

While he does **not** advocate for Mr. Musumeci’s early termination, Probation Officer Javier Enciso has reported positively on Mr. Musumeci’s overall compliance and progress in supervision. (*See* Hr’g Tr. dated Sept. 21, 2023.) On February 13, 2023, Mr. Enciso stated, “Our last two reports to the Court were excellent reports. At that time there were zero concerns, and we reported as such.” (Hr’g Tr. dated Feb. 13, 2023 at 26:16–18.) Mr. Enciso also stated, “[W]e saw no risk factors. It was all positive.” (*Id.* at 41:24–25.) On April 10, 2023, he reported, “he’s definitely succeeding right now while he’s on supervised release. . . . [H]e has shown that he is willing to go above and beyond what is necessary to demonstrate that he is succeeding.” (Hr’g Tr., dated Apr. 10, 2023, at 12:12–19.) At the supervised release

hearing on August 17, 2023, Mr. Enciso reported, “[Mr. Musumeci] continues to do well. He attends treatment, participates in treatment. He’s been employed this entire term . . . . So there hasn’t been any period of unemployment. . . . [H]e was working towards getting a couple of licenses back so that he can get different employment and he’s made progress in that regard certainly. So at this point, I think that his general compliance with supervision has continued.” (Hr’g Tr., dated Aug. 17, 2023, at 3:21–4:3.)

Defense counsel Raphael Freidman refers to Mr. Musumeci’s “tremendous progress,” noting that there have been “no concerns since over the last six months.” (Hr’g Tr., dated Sept. 21, 2023, at 16:10–11.) Mr. Friedman also emphasizes the therapist’s conclusion that Mr. Musumeci has “no demonstrated risk of any inappropriate relationship.” (*Id.* at 16:9–10.)

The Court believes that Mr. Musumeci has been committed to successful reentry into the community. (*See* Hr’g Tr., dated Feb. 13, 2023, at 3:1–3.) “For the last . . . two years and a half that [Mr. Musumeci has] been on supervised release, he’s been making great progress.” (*Id.* at 31:14–17.) Mr. Musumeci has been “cooperative . . . with respect to therapy, and . . . he really has come a long way, and he is a hard worker.” (Hr’g Tr. dated Apr. 10, 2023 at 13:6–9.) Mr. Musumeci has made “terrific progress,” and he is to be acknowledged for “doing what we’ve asked [him] to do.” (Hr’g Tr., dated Sept. 21, 2023, at 16:24–25.) “[T]he merits are on [Mr. Musumeci’s] side.” (*Id.* at 21:16.) In sum, the Court has been “involved in this supervision” and finds that “Mr. Musumeci[ has] been making a very earnest [and successful] try.” (Hr’g Tr., dated Feb. 13, 2023, at 3:1–4.)

**Conclusion and Order**

Mr. Musumeci's supervised release is hereby terminated. The Court requests that the probation officer and supervisee meet and confer as soon as possible to facilitate Mr. Musumeci's post-supervised release ability to access services, if needed, including counseling.

Dated: September 29, 2023  
New York, NY

Handwritten signature of Richard M. Berman in black ink.

---

RICHARD M. BERMAN  
U.S.D.J.